

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 1:23-cv-00853-DAE

GREG ABBOTT, in his capacity as
GOVERNOR OF THE STATE OF TEXAS,
and THE STATE OF TEXAS,

Defendants.

PLAINTIFF UNITED STATES' INITIAL DISCLOSURES

Plaintiff United States of America serves the following initial disclosures under Federal Rule of Civil Procedure 26(a)(1).

I. Individuals

The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.

- 1. Joseph Shelnutt**, U.S. Army Corps of Engineers (“USACE”), c/o Department of Justice, Environment & Natural Resources Division, Brian Lynk, 150 M Street NE, Washington, D.C. 20002; 202-514-6187. Mr. Shelnutt has knowledge of the USACE’s determination that the Rio Grande is a navigable river under the Rivers and Harbors Act and of Texas’s failure to obtain a permit under Section 10 of the Rivers and Harbors Act for the floating barrier Texas installed in the Rio Grande in the vicinity of Eagle Pass, Texas (hereinafter “Floating Barrier”).
- 2. Neil Lebsack**, USACE, c/o Department of Justice, Environment & Natural Resources Division, Brian Lynk, 150 M Street NE, Washington, D.C. 20002; 202-514-6187. Mr. Lebsack has knowledge of the USACE’s determination that the Rio Grande is a navigable river under the Rivers and Harbors Act and of Texas’s failure to obtain a permit under Section 10 of the Rivers and Harbors Act for the Floating Barrier.

3. **Isela Canava**, U.S. Section of International Boundary Water Commission (“USIBWC”), c/o Department of Justice, Environment & Natural Resources Division, Brian Lynk, 150 M Street NE, Washington, D.C. 20002; 202-514-6187. Ms. Canava has knowledge of the USIBWC’s navigation of the Rio Grande and the impact of the Floating Barrier on the USIBWC.
4. **Francisco Sainz**, USIBWC, c/o Department of Justice, Environment & Natural Resources Division, Brian Lynk, 150 M Street NE, Washington, D.C. 20002; 202-514-6187. Mr. Sainz has knowledge of the impact of the Floating Barrier on the USIBWC.
5. **Adrian Cortez**, USIBWC, c/o Department of Justice, Environment & Natural Resources Division, Brian Lynk, 150 M Street NE, Washington, D.C. 20002; 202-514-6187. Mr. Cortez has knowledge of the USIBWC’s navigation of the Rio Grande and the impact of the Floating Barrier on the USIBWC.
6. **Mario Gomez**, USIBWC, c/o Department of Justice, Environment & Natural Resources Division, Brian Lynk, 150 M Street NE, Washington, D.C. 20002; 202-514-6187. Mr. Gomez has knowledge of the USIBWC’s navigation of the Rio Grande and the impact of the Floating Barrier on the USIBWC.
7. **Hilary Quam**, U.S. Department of Defense (formerly U.S. Department of State), c/o Department of Justice, Environment & Natural Resources Division, Brian Lynk, 150 M Street NE, Washington, D.C. 20002; 202-514-6187. Ms. Quam has knowledge of the impact of the Floating Barrier on U.S. relations with Mexico.
8. **Micky Donaldson**, U.S. Border Patrol, c/o Department of Justice, Environment & Natural Resources Division, Brian Lynk, 150 M Street NE, Washington, D.C. 20002; 202-514-6187. Mr. Donaldson has knowledge of U.S. Border Patrol’s navigation of the Rio Grande and the effects of the Floating Barrier on U.S. Border Patrol’s operations.
9. **Capt. Brandy Parker**, U.S. Coast Guard (“USCG”), c/o Department of Justice, Environment & Natural Resources Division, Brian Lynk, 150 M Street NE, Washington, D.C. 20002; 202-514-6187. Capt. Parker has knowledge of the USCG’s determination that the Rio Grande is a navigable river.
10. **Capt. Justin Peters**, USCG, c/o Department of Justice, Environment & Natural Resources Division, Brian Lynk, 150 M Street NE, Washington, D.C. 20002; 202-514-6187. Capt. Peters has knowledge of the USCG missions and operational capabilities on the Rio Grande.
11. **Expert witnesses, as they are designated at the time permitted or required by the Federal Rules of Civil Procedure or by order of the Court.**
12. **All persons identified in the records produced by any party.**

- 13. All persons identified in the parties' preliminary injunction briefings.**
- 14. All persons identified by Defendants.**
- 15. The United States reserves the right to supplement the identity of other witnesses who have relevant knowledge as their identities become available.**

II. Documents and Things

Description and location of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment:

- 1. USACE navigation determination for Rio Grande and supporting materials;**
USACE, c/o Department of Justice, Environment & Natural Resources Division, Brian Lynk, 150 M Street NE, Washington, D.C. 20002; 202-514-6187.
- 2. USCG navigation determination for the Rio Grande;** USCG, c/o Department of Justice, Environment & Natural Resources Division, Brian Lynk, 150 M Street NE, Washington, D.C. 20002; 202-514-6187.
- 3. Photographs of the Floating Barrier;** USIBWC, c/o Department of Justice, Environment & Natural Resources Division, Brian Lynk, 150 M Street NE, Washington, D.C. 20002; 202-514-6187.
- 4. Photographs of the Floating Barrier;** U.S. Customs and Border Protection, c/o Department of Justice, Environment & Natural Resources Division, Brian Lynk, 150 M Street NE, Washington, D.C. 20002; 202-514-6187.
- 5. Unclassified communications with Mexico regarding the Floating Barrier;** U.S. State Department, c/o Department of Justice, Environment & Natural Resources Division, Brian Lynk, 150 M Street NE, Washington, D.C. 20002; 202-514-6187.

- 6. Any and all documents produced or received in discovery in the above-captioned case; c/o Department of Justice, Environment & Natural Resources Division, Brian Lynk, 150 M Street NE, Washington, D.C. 20002; 202-514-6187.**
- 7. Any and all documents filed as exhibits in the preliminary injunction proceeding in the above-captioned case; c/o Department of Justice, Environment & Natural Resources Division, Brian Lynk, 150 M Street NE, Washington, D.C. 20002; 202-514-6187.**
- 8. Any and all documents relied upon by experts for either the United States or Texas.**
- 9. The United States reserves the right to supplement this response as discovery continues.**

III. Damages

A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered:

The United States is not seeking monetary damages.

IV. Insurance

For inspection and copying as under Rule 34, any insurance agreements under which an insurance business may be liable to satisfy all or part of a possible judgement in the action or to indemnify or reimburse for payments made to satisfy the judgment:

The United States is not aware of any insurance agreements at this time.

Dated: May 6, 2024

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CERTIFICATE OF SERVICE

I certify that on May 6, 2024, a copy of the above-captioned document was served on counsel of record via email.

/s/ Kimere J. Kimball
Kimere J. Kimball